



Derby City Council

A-Boards

Policy and guidelines for A-Boards and other advertising structures on the highway



Derby City Council

Introduction

Derby is a fantastic place to come and shop with a great range of stores from well-known high street chains, to local independent retailers and quirky independent boutique style shops. This mixture, together with the compact and friendly city centre makes it a unique and welcoming place for shoppers.

Derby City Council recognises this and wishes to encourage traders to promote their business activities in a way which both enhances the street scene and is sensitive to the needs of its users.

Derby has always been a warm and hospitable place for disabled shoppers but the recent increase in the use of A-Boards and consequently, some thoughtless positioning has highlighted a problem. In addition, the number and variable quality of A-Boards is also having an adverse visual impact on the street scene of Derby.

For these reasons the City Council, in consultation with key stakeholders and local businesses, has produced this policy and guidance to manage the number of A Boards and the impact they have on pedestrian safety and convenience.



Background

Derby City Council, as highway authority, is responsible for the safety of highways within the city. This includes footways and pedestrianised areas. For many years A-Boards and other trade displays have been part of the street scene in the city centre and out-lying shopping areas of the city. Not all such items constitute wilful obstruction requiring immediate removal under Section 149 of the Highways Act 1980, but it is important that their number, size and positioning is regulated. If not they can become 'unreasonable' and create severe hazards for the highway users particularly for those with impaired vision, mobility problems, the elderly or those with young children.

The following guidance and policy has been produced to strike a reasonable balance between these needs and confirm the conditions where A-Boards or display of goods on the highway will be permitted.

By adopting this approach it will not be necessary for traders to apply for licences to place or display these items, but their co-operation in observing and abiding by the conditions of this guide and policy will be essential.



Objectives

- Work with all users of the footways to reach an inclusive guidance and policy to meet their needs
- Work with traders to promote their businesses in a way which improves the street scene, increases footfall and allows pedestrians to move freely through a clear, obstacle-free network of streets.
- Ensure the safe and free movement of pedestrians especially the visually impaired and disabled people.
- Ensure that the powers contained within the Highways Act 1980, Road Traffic Regulation 1984, Town and Country Planning Act 1990 and Town and Country Planning (Control of Advertisements) (England) Regulations 2007 are applied fairly and consistently, and in the public interest.
- To ensure a consistent citywide approach to guidance and policy.

Compliance and Enforcement

Section 115 of the Highway Act 1980 permits the licencing of A-Boards etc. on the highway. However, the procedure is complex and requires the approval of adjacent premises and the local planning authority.

The City Council has therefore decided, in consultation with stakeholders, that regulation would best be provided by traders adhering to the guidelines contained within this document.

All A-Boards or display of goods on the highway are obstructions, however those displayed in accordance with the conditions below will be acceptable to the Authority. Items placed outside these conditions may be viewed as unreasonable and could be subject to removal.

General conditions

All A-Boards and other advertising structures must comply with this guidance and policy. Compliance within the guidelines will usually mean that an A-Board or other advertising structures are acceptable, but the Council reserves the right to take enforcement action where compliance with the relevant legislation is not achieved.

The A-Board must be positioned outside of the property to which it relates, and must not be within 1.5 metres of any other A-Board.

The A-Board will be kept clean and tidy, in good condition and appear professionally made with no content likely to cause offence.

There must be a maximum of one A-Board per building. Where there is more than one business operating from a building then a shared board should be considered.

The A-Board should be removed when the premises are closed.

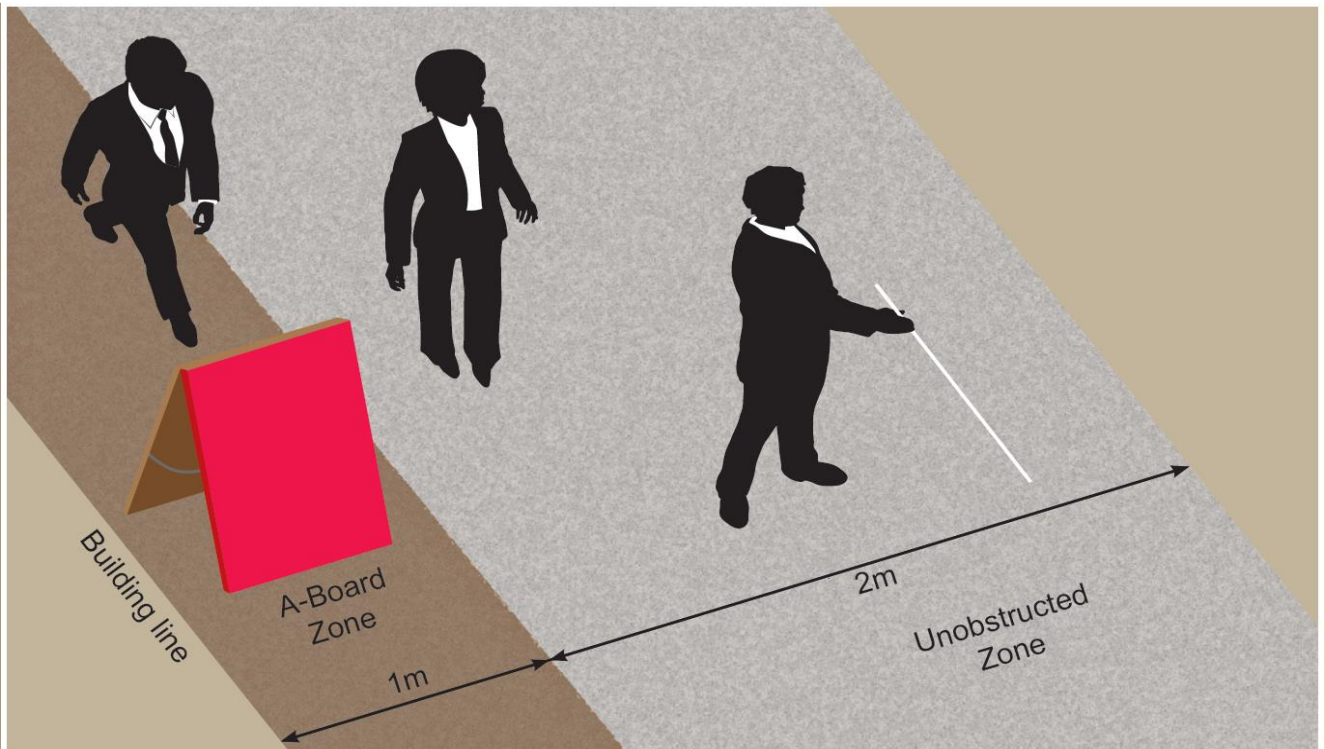
You may need to remove you're a-Board If the emergency services, utility company, highway officers or a representative of the Council requires access to the highway/footway for any purpose. Your co-operation is vital.

The advertising boards will not:

- Obstruct access to bus stops, taxi ranks or other frontages
- Obstruct access to any service covers or apparatus
- Be placed on or near to tactile paving or dropped kerbs
- Obscure the visibility of highway users on or near a junction
- Obscure any traffic signs or road markings

Positioning

On a traditional road and pavement A-Boards must be placed against the building line while maintaining a minimum of 2 metres 'unobstructed zone'. In exceptional circumstances, where this is not possible because of physical constraints, 1.5 metres is the minimum acceptable distance.



Examples of these types of streets include:

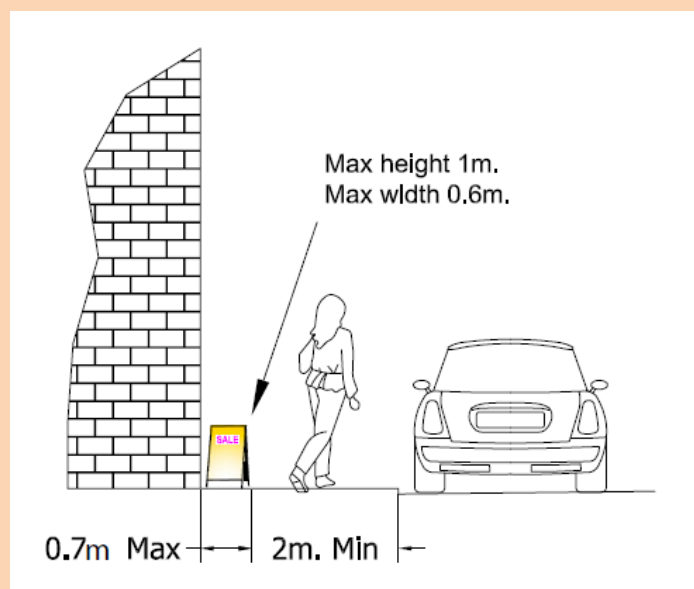
Albion Street, St James Street, Friar Gate, Cheapside, Bold Lane, The Strand, King Street, Ford Street, Bradshaw Way and Wardwick.

If within a short distance a proliferation of advertising boards result in pedestrians finding it difficult to navigate, all owners will be asked to remove boards until agreement can be reached. (Derby City Council).



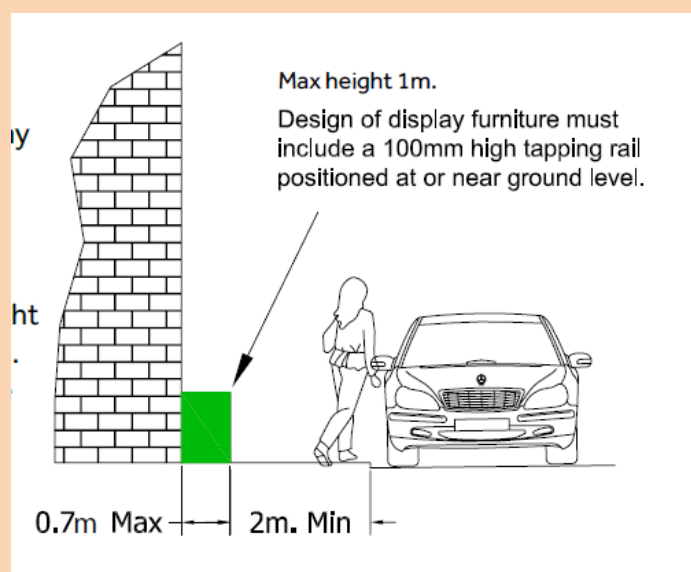
Size, type and style

A-Boards



- All A-Boards should be between 750mm and 1200mm high and a maximum of 750 wide.
- Rotating or swinging signs will not be permitted.
- Colours and design should be sensitive to the street scene.
- The design of the A-Board should provide a colour contrast to help people with impaired vision, preferably edged in AA yellow.
- A-Boards should be temporary and must not be fixed to any street furniture or other highway infrastructure.

Display of Goods



- Display furniture must be solid and all weather stable
- Display furniture should include a 100mm high tapping rail at ground level to help blind and partially sighted people

Streets where A-Boards will not automatically be allowed

A-Boards and other advertising structures will not automatically be permitted on streets where:

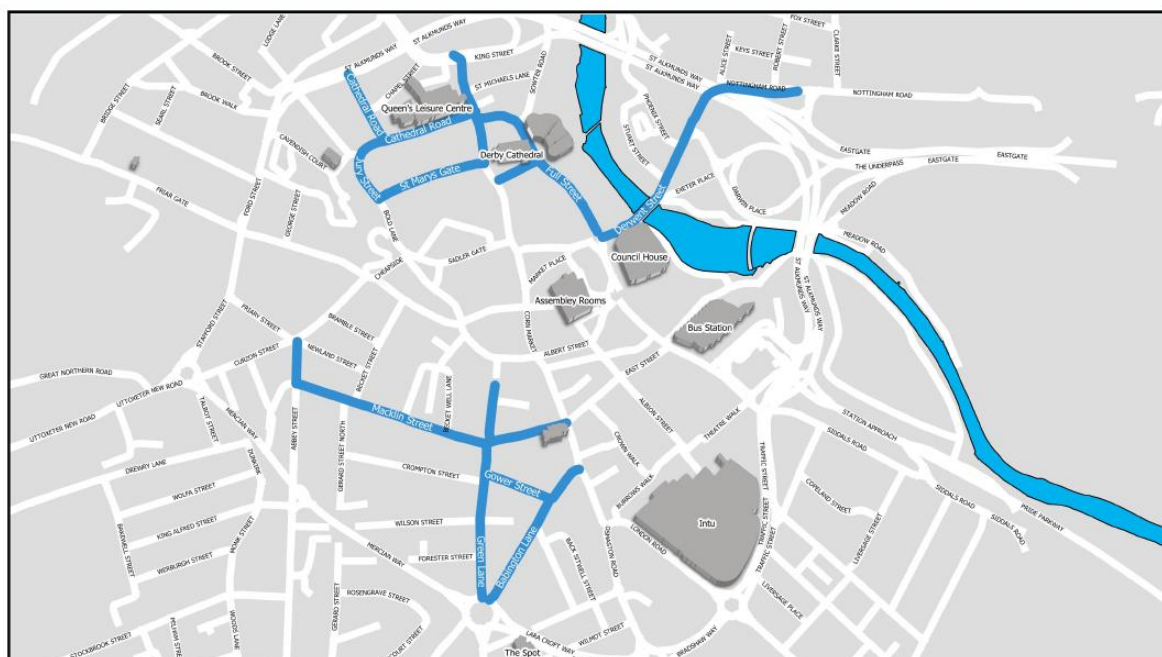
- there are high numbers of pedestrians (generally in excess of 20,000 pedestrians per day) and/or
- pedestrian safety and servicing needs are adversely affected by narrow footways or other physical restrictions.

These apply to the following streets and areas:

Abbey Street from Macklin Street
to Friary Street
Jury Street
Amen Alley
Green Lane
Babington Lane
Gower Street
Walker Lane

Queen Street

Derwent Street
St Mary's Gate
Full Street
St Peter's Church Yard
Macklin Street
Cathedral Road



Restrictions to A-boards

Key

 A Boards not automatically permitted

Date: 11-12-2018

Scale: 1:7.368

Telephone Number: (01332) 293111



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Alternative to A-Boards

Alternative to A-Boards such as fascia and projecting signs may, subject to planning requirements, be permitted. These alternatives should be discussed with a member of the City Council's Planning Service.

- Telephone: 01332 64
- Email:

Precincts and arcades with multiple businesses

Larger shared boards or signs may be considered where there are multiple businesses in close proximity.

For further information please contact Derby City Council's Streetpride Team.

- Telephone: 0333 200 6981
- Email:

Legal reference

The Highways Act 1980 sections 137, 143, 148 and 149 relate to the depositing or placing of items within the highway and give the Highway Authority powers to control.

Under section 137 of the Highway Act 1980 it is an offence to wilfully obstruct the free passage along a highway. This could include obstruction by an A-Board and a person convicted of such an offence could be liable to a fine of up to £1,000.

The Road Traffic Regulation Act 1984 Section 69 gives general provisions for the Local Highway Authority to require the owner or occupier to remove signs such as A-Boards.

The Town and Country Planning (Control of Advertisements)(England) Regulations 2007 relates to the control of outdoor advertisements and the need for Advertisement Consent from the Local Planning Authority.

The Town and Country Planning Act 1990 (as amended).

- **Action may be taken against an individual/employee who fails to keep to the terms of this guidance and policy, and causes an obstruction, not necessarily the employer.**

Case Law

There is extensive case law on the placing of A-Boards etc. in the highway and whether or not they constitute wilful obstructions.

The conditions contained within this guidance and policy establishes when action will be considered by the Highway Authority against traders who place advertising boards or display goods in the highway.

Anyone that places items on the highway is potentially liable to any person who suffers an injury caused by that item, and could face separate legal action from that person.

Any claim made for loss or injury as a result of the displaying A Boards will be referred directly to the owner of the A-Board, therefore traders are advised to carry Public Liability Insurance with cover at least of £5 million.

Process to be followed for the removal of A-Boards and Display of Goods

Following complaints, or as part of routine inspection, any obstruction that is deemed 'unreasonable' in accordance with this guidance and policy and, constitutes as immediate danger, will be removed from the highway immediately and either returned to the owner, if known and practicable, or retained.

Where obstructions are 'unreasonable' but do not constitute an immediate danger, the owner will be requested to remove or reposition them in accordance with this guidance and policy. If the problem persists, the Highway Authority may serve notice that the objects be removed before eventually seeking a Magistrate's removal and disposal order in respect of the items.

Any items removed from the highway will be taken to store and retained for collection by the owner. If the items are not collected within a period of one month they will be disposed of accordingly.

The Highway Authority may seek to recharge any expenses incurred in removing such items to their owners.



Contact Details

Highway Maintenance (part of Streetpride)

Telephone: 0333 200 6981

Email: highways.maintenance@derby.gov.uk

Environment and Planning (Planning)

Telephone: 01332 64

Email: developmentcontrol@derby.gov.uk

Conservation

Telephone: 01332 640809

Email: built.heritage@derby.gov.uk

City Centre – Cathedral Quarter Business Improvement District

Telephone: 01332 419053

Email: enquiries@derbycathedralquarter.co.uk

City Centre – St Peters Quarter Business Improvement District

Telephone: 01332 419050

Email: enquiries@stpetersquarter.co.uk

We can give you this information in any other way, style or language that will help you access it.

Please contact us on 01332 642012 or Minicom 01332 640666